

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JANICE WILLIAMS,)	
DAVID NAVE SR., and)	
JANICE WILLIAMS, as mother of)	
David Nave. Jr. & next friend of)	Civil Action Case No.
the ESTATE OF DAVID NAVE JR.,)	1:09-CV-3630-SCJ
)	
Plaintiffs,)	
)	
v.)	
)	
ROLAND K. BOEHRER,)	
KIRBY G. THREAT,)	
KEMUEL A. "KEM")	
KIMBROUGH SR., in his official)	
capacity, & JOHN DOES 1-5,)	
)	
Defendants.)	

NOTICE OF CROSS-APPEAL BY PLAINTIFFS

COMES NOW plaintiffs Janice Williams and David Nave Sr., individually, and Janice Williams, on behalf of her deceased son's Estate, as set out above, pursuant to F.R.A.P. 4(a)(3) and file their cross-appeal as set out below.

The plaintiffs cross-appeal the Court's Order dated September 28, 2010 (*Docket No. 17*), denying the plaintiffs' motion to remand and *sua sponte* dismissing plaintiffs' 42 U.S.C. § 1983 claims and rejecting plaintiffs' request to amend the complaint dismissing the federal claims and remand the State law claims

to state court in the alternative, if the Court denied the motion to remand.

Plaintiffs further cross-appeal the Order of the Court dated 8/03/12 (*Docket No. 90*) pp. 3, *Footnote 2*, wherein it accepts the hearsay statements of defendants in briefings denied by plaintiffs in briefing supported by no testimony in the record; the Court's Orders on pp. 10-11 and *Footnote 7*, and its ruling therein regarding prior briefings of plaintiffs; and the Court's Order granting partial summary judgment to defendants in Section B of that Order beginning at pp. 19, for the negligent performance of ministerial acts by defendants Threat and Boehrer. Plaintiffs appeal all adverse rulings against them in this Order. *Docket No. 90*.

There are no trial or hearing transcripts in the District Court, and the record has been certified to the Court of Appeals for the 11th Circuit as part of the main appeal by defendants. *Docket No. 91*.

Dated: September 13, 2012.

RESPECTFULLY SUBMITTED,

COUNSEL FOR PLAINTIFFS:

By: s/ Terry D. Jackson
TERRY D. JACKSON
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CERTIFICATE OF SERVICE & COMPLIANCE WITH
RULES 7.1D & 5.1B

This is to certify that I have this day served a true and correct copy of the within and foregoing **NOTICE OF CROSS-APPEAL BY PLAINTIFFS** upon the counsel for defendants by placing same in a properly addressed envelope with adequate postage affixed thereon via First Class U.S. Mail, e-filing, or by hand delivery as directed by the Court to:

Jack R. Hancock
Brian R. Dempsey
Shira Adler Crittendon
FREEMAN, MATHIS, & GARY, LLP
100 Galleria Parkway
Suite 1600
Atlanta, Georgia 30339-5948

Dated: September 13, 2012.

RESPECTFULLY SUBMITTED,

COUNSEL FOR PLAINTIFFS:

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